

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Eric Lee Graham, #Y305817,	)	C/A No.: 6:07-3906-JFA-WMC
	)	
Plaintiff,	)	
vs.	)	O R D E R
	)	
Anderson County Detention Center; Officer	)	
Sizemore; Wallie Hampton, Nurse; Officer	)	
Reid; Officer Beddingfield; and Sargeant	)	
Baytte,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, Eric Lee Graham, initiated this action pursuant to 42 U.S.C. § 1983 contending that while he was a pretrial detainee at the Anderson County Detention Center (“ACDC”), he swallowed a razor blade that was placed in his food. He seeks monetary and injunctive relief.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein she suggests that this action should be summarily dismissed as to defendant Anderson County Detention Center. The Magistrate Judge notes that defendant ACDC is not a “person” subject to suit under 42 U.S.C. § 1983.

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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

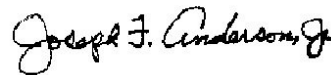
The plaintiff was advised of his right to file objections to the Report and Recommendation which was filed on March 5, 2008. He did not file objections<sup>2</sup> to the Report.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and the Report is incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process as to defendant Anderson County Detention Center only. The clerk shall proceed with service on the remaining defendants.

IT IS SO ORDERED.

April 17, 2008  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge

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<sup>2</sup> Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4<sup>th</sup> Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4<sup>th</sup> Cir. 1985).